
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 91

The Dairy Produce Quotas (Scotland) Regulations 2005

PART 7

PENALTIES AND MISCELLANEOUS PROVISIONS

Confiscation of quota

38.—(1) In pursuance of Article 15 of the Council Regulation (which relates to the confiscation and restoration of quota in cases of inactivity), the Scottish Ministers shall notify a quota holder that the quota of that quota holder has been taken into the national reserve if it appears from information available to the Scottish Ministers that the quota holder has not made deliveries or direct sales during the previous quota year.

(2) In pursuance of Article 11(4) of the Commission Regulation (which relates to the confiscation of direct sales quota in cases of failure to submit declarations of direct sales before 1st July), the Scottish Ministers shall notify any direct sales quota holder who contravenes Article 11 of that Regulation, by failing to submit an annual declaration to the Scottish Ministers so that the annual declaration reaches them before 1st July, that the direct sales quota of the direct sales quota holder shall be taken into the national reserve 30 days after notification.

(3) Any quota withdrawn pursuant to Article 15 of the Council Regulation shall be placed in the national reserve with effect from 1st April following the quota year for which information became available to the Scottish Ministers indicating to them that deliveries or direct sales, as the case may be, have not been made.

(4) A quota holder who receives a notification of confiscation under paragraph (1) or, as the case may be, paragraph (2) must notify any person with an interest in the land comprised in the holding in question of the contents of that notification before the expiry of the period of 28 days beginning with the day on which the quota holder received it.

Commencement Information

II [Reg. 38](#) in force at 31.3.2005, see [reg. 1\(2\)](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Dairy Produce Quotas (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2018/391 sch. Pt. 2](#)
- reg 38 rev in pt by [S.S.I. 2007/118 reg 8](#)
- reg. 38(1) words substituted by [S.S.I. 2011/83 Sch. para. 17](#)
- reg. 38(3) words substituted by [S.S.I. 2011/83 Sch. para. 17](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 2(1)(1A) substituted for reg. 2(1) by [S.S.I. 2011/83 Sch. para. 1](#)